

I.A.R. 19. Request for Additional Transcript or Clerk's or Agency's Record & Payment.

Idaho Appellate Rule 19. Request for Additional Transcript or Clerk's or Agency's Record - Payment.

(a) Requests for less than the standard transcript and standard record on appeal. When the appellant has requested less than the standard transcript per I.A.R. 25 or less than the standard clerk's or agency's record per I.A.R. 28, and the respondent wants to include documents that are part of the standard transcript or standard clerk's or agency's record, then the respondent must file a request for this additional material within 14 days of the filing of the notice of appeal or within 14 days of the amended notice of appeal that reduced the standard transcript or standard record requested. The respondent's request must be served upon the appellant and the court reporter or court clerk or administrative agency as appropriate. The appellant must pay the estimated cost of the additional material within 14 days of the requested additions and file a receipt with the court or agency unless otherwise ordered by the court or agency. The additional cost may be taxed to the proper party upon the decision on appeal.

(b) No transcript requested. If the appellant does not request any reporter's transcript in the notice of appeal and the respondent wants to include the reporter's transcript, then the respondent must file a request for this additional material within 14 days of the filing of the notice of appeal or within 14 days of the amended notice of appeal that eliminated the transcript requested. The respondent's request must be served upon the appellant and the court reporter or court clerk or administrative agency as appropriate. The respondent shall be responsible for paying the cost of the reporter's transcript and must pay the estimated cost within 14 days of the requested additions and file a receipt with the court or agency unless otherwise ordered by the court or agency. The request shall also state whether the respondent's copy of the transcript shall be provided in hard copy or electronic format or both. If no election is made within 21 days of filing the request for transcript, the respondent shall receive a hard copy of the transcript.

(c) Requests for documents in addition to the standard transcript and standard clerk's or agency's record. When the appellant has requested the standard transcript per I.A.R. 25 and the standard clerk's or agency's record per I.A.R. 28 and the respondent wants to include additional documents, the respondent must file a request for this additional material within 14 days of the filing of the notice of appeal or within 14 days of the amended notice of appeal that eliminated these additional documents. The respondent's request must be served upon the appellant and the court reporter or court clerk or administrative agency as appropriate. The respondent shall be responsible for paying the cost of the additional documents and must pay the estimated cost of the additional material within 14 days of the requested additions and file a receipt with the court or agency unless otherwise ordered by the court or agency. The additional cost may be taxed to the proper party upon the decision on appeal.

(d) Preparation of additional transcript or record. The additional transcript or record requested shall be incorporated into the original transcript or record and included in the index and table of contents by the reporter or clerk if reasonably practicable, but may be prepared as a supplemental transcript or record.

(e) Sanctions. If the court concludes that a party or attorney has vexatiously or

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unreasonably increased the cost of litigation by inclusion of irrelevant materials, the court may deny that portion of the costs the court deems to be excessive and/or impose monetary sanctions. Notice and an opportunity to respond shall be provided before sanctions are imposed.

(f) Form. The request for additional transcript or record, made after the filing of the notice of appeal or notice of cross-appeal, shall be in substantially the following form:

[Click here](#) [1] for form.

(Adopted March 25, 1977, effective July 1, 1977; amended March 20, 1985, effective July 1, 1985; amended June 15, 1987, effective November 1, 1987; amended March 26, 1992, effective July 1, 1992; amended March 9, 1999, effective July 1, 1999; amended March 1, 2000, effective July 1, 2000; REPEALED in its entirety March 21, 2007, New Rule 19 ADOPTED March 21, 2007, effective July 1, 2007; amended March 19, 2009, effective July 1, 2009.)

Source URL: <http://www.isc.idaho.gov/iar19>

Links:

[1] http://www.isc.idaho.gov/./rules/forms/IAR_19_Form.doc